

CAMPBELL CAMPBELL EDWARDS & CONROY
PROFESSIONAL CORPORATION



ONE CONSTITUTION PLAZA
THIRD FLOOR
BOSTON, MA 02129
TEL: (617) 241 3000
FAX: (617) 241 5115

February 17, 2006

Clerk of Court – Civil
United States District Court
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

RE: Trans-Spec Truck Service, Inc. v. Caterpillar Inc.
Civil Action No. 04-11836-RCL

Dear Clerk:

I represent the defendant Caterpillar Inc. At 3:18 PM on February 9 the plaintiff served and filed an Emergency Motion of the Plaintiff to Compel Production of Documents and to Extend Expert Discovery Period. On February 10 my associate served and filed an Opposition to the emergency motion which included, in the last paragraph, a request for hearing. The request for hearing was not contained in a separate paragraph or signaled by the centered caption described in Local Rule 7.1(D). I ask that you bring to the Court's attention that Caterpillar requests hearing on the emergency motion.

The emergency motion was served and filed at a time when neither I nor anyone else who had been involved with this case was available to respond to it. I myself was in the midwest in connection with the very depositions to which the emergency motion pertains, as was known by those who filed it. My partner Dick Campbell was also out of state. I believe it is important that the Court hear a full and accurate account of the facts and circumstances relevant to the motion, and I am the only one in my office who can supply that account. It seems to me that the most efficient way to provide that account at this point is through a hearing.

I also wish to alert the Court to the fact that it is likely a motion for sanctions will be filed very shortly that relates to the same depositions addressed by the emergency motion, and that the Court will likely want to consider both motions together, as a matter of efficiency if for no other reason. I have been unable to reach plaintiff's counsel to confer about the contemplated sanctions motion, and I suppose it is possible some agreement may be reached on the subject of sanctions, but realistically I think that is unlikely because a very substantial amount of money is involved. If no agreement is reached the motion will be filed immediately after the conference. Please bring these facts to the Court's attention so that it can take them into account in scheduling a hearing or other disposition of the pending emergency motion.



Clerk of Court – Civil
Page Two
February 17, 2006

Thank you for your assistance with this matter.

Very truly yours,


John A.K. Grunert

cc. Christian Samito, Esquire